

105TH CONGRESS  
1ST SESSION

# S. 952

To establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 1997

Mr. McCONNELL (for himself, Mr. HATCH, Mr. KYL and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Civil Rights Act of  
5       1997”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

1           (1) the fifth and fourteenth amendments to the  
2       Constitution guarantee that all individuals are enti-  
3       tled to equal protection of the laws, regardless of  
4       race, color, national origin, or sex;

5           (2) the Supreme Court, in *Adarand Construc-*  
6       *tors, Inc. v. Pena*, 515 U.S. 200 (1995), recently af-  
7       firmed that this guarantee of equality applies to  
8       Federal actions;

9           (3) the Federal Government currently conducts  
10      over 150 programs that grant preferences based on  
11      race, color, national origin, or sex; and

12          (4) the Federal Government also grants pref-  
13      erences in employment based on race, color, national  
14      origin, or sex.

15      (b) PURPOSE.—The purpose of this Act is to provide  
16      a Federal cause of action for discrimination and pref-  
17      erential treatment in the Federal Government on the basis  
18      of race, color, national origin, or sex.

19   **SEC. 3. FEDERAL CAUSE OF ACTION.**

20      (a) IN GENERAL.—Any person who is aggrieved by  
21      an action of the Federal Government, or any officer, em-  
22      ployee, or agent of the Federal Government acting on be-  
23      half of the Federal Government, that consists of inten-  
24      tionally discriminating against, or granting a preference  
25      to, any person or group based in whole or in part on race,

1 color, national origin, or sex may bring an action in the  
2 appropriate district court of the United States.

3 (b) RELIEF.—The aggrieved person may obtain ap-  
4 propriate relief (which may include back pay) in a civil  
5 action brought under this section. A prevailing plaintiff  
6 in a civil action brought under this section shall be award-  
7 ed a reasonable attorney’s fee as part of the costs.

8 (c) CONSTRUCTION.—This section does not affect any  
9 remedy available under any other law.

10 **SEC. 4. EFFECT ON PENDING MATTERS.**

11 (a) PENDING CASES.—This Act does not affect any  
12 case pending on the date of enactment of this Act.

13 (b) PENDING CONTRACTS AND SUBCONTRACTS.—  
14 This Act does not affect any contract or subcontract in  
15 effect on the date of enactment of this Act, including any  
16 option exercised under such contract or subcontract before  
17 or after such date of enactment.

18 **SEC. 5. DEFINITIONS.**

19 In this Act, the following definitions apply:

20 (1) FEDERAL GOVERNMENT.—The term “Fed-  
21 eral Government” means the executive and legisla-  
22 tive branches of the Government of the United  
23 States.

24 (2) PREFERENCE.—The term “preference”  
25 means an advantage of any kind, and includes a

- 1 quota, set-aside, numerical goal, timetable, or other
- 2 numerical objective.

